INLAND WETLANDS AGENCY
JUNE 9, 2004 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Scott, Williams, Sutphen, Block (7:35), Furlong, Ashworth
Staff: Jones, Vislosky

Ashworth and Furlong were appointed to sit for Block and Keeler.

II. PUBLIC HEARINGS

1. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive – continuation

Chairman Scott continued the public hearing at 7:33 p.m. Gary Craig submitted revised plans and a handout summarizing the project. Groton Utilities does not want the applicant removing gravel on the easement leading toward their tower and he read a letter regarding same. He reviewed the revised mitigation plan for the easement noting that Groton Utilities has agreed to the installation of culverts through the gravel to allow water flow. He reviewed the physical parameters of the site and stated they are proposing 303 surface parking spaces and 166 spaces under four of the five buildings. The surface parking will be reduced once the details are worked out with the Planning Commission. Based on CAD drawings, 4851 s.f. of wetland disturbance is proposed.

Craig indicated that in the future they might reduce the width of gravel in the Groton Utilities easement. They will remove invasive plant species near the easement, but the root system near the tower needs further investigation. He reviewed the equalizing flow culvert proposed in the easement. A spoil pile created when the tower was built will be removed and soils replaced down to the natural wetland material. The area adjacent to the easement will be planted with vegetation that will be less than 15 feet high at maturity and Groton Utilities will not have to trim around the easement once the work is complete. They will not have to hold the reserved wetlands soils because they are not creating a new access for Groton Utilities. A recreation path and boardwalk are still proposed in this area. Craig noted that 11,651 s.f. will be replanted out of the 13,404 s.f. of mitigated wetlands.

Craig reviewed proposed salting and de-icing methods and compared it to DOT's standards in this area.

Garrett Tunison, Sanford Ecological Services, noted that they are not proposing salt on impervious surfaces but rather a non-chloride de-icer. He reviewed the benefits of mitigating the utility easement pointing out that placing the culverts under the easement will allow a hydrological connection to down slope wetlands. He reviewed proposed plantings.

Craig reviewed the disturbance allowed in the cart path area under Permit 97-1. The previous permit allowed 3550 s.f. of cart path disturbance versus 2442 s.f. under the current proposal. Scott questioned the quality of wetlands surrounding the cart path and differences between Permit 97-1 and the proposal. Craig noted that the amount of wetland disturbance under 97-1 only calculated wetland fill and no other wetland activities.

Sutphen questioned Sanford Ecological Service's success in eradicating phragmites. Tunison noted that at least three herbicide applications per season would be required. They will cut the phragmites, leaving their roots, and apply an herbicide directly to the root. All work will be inspected and monitored. Sutphen asked why they are removing phragmites in an area not proposed for development. Tunison noted if left alone, the invasive species would take over. Scott questioned the risk of using herbicides. Tunison noted there is little concern as the herbicide is applied directly to the root. Staff questioned the affect of an off-site seed source and whether it could create new phragmites stands. Tunison was not sure. They are not hydrologically connected, but animals could spread the seeds. He will review literature on how far away a seed source should be. Scott noted that wetland plants can take a long time to take hold and discussion continued.

Debbie Marshal-Baker reviewed changes to the scope of work due to the change in the activity allowed in the Groton Utilities easement. She reviewed the boardwalk detail, which will float the walker on top of the wetland soils to prevent them from compacting the soil and roots. She reviewed short term and long term impacts and health and safety issues.

Ashworth questioned why there was a separate crossing for the recreation path and Marshall-Baker noted they want to provide a loop system to make it more of a destination and they do not want people near the transmission lines. He asked if a right-of-way through Windham Falls could be obtained as was the case under Permit 97-1. Marshall-Baker noted a wetland crossing would still be required, it would create an awkward design, an existing parking lot would be disturbed, and ownership has changed since the 97-1 permit. Staff entered a map of the area into the record showing how all the properties relate to each other. She also reviewed the approved grading plans for Permit 97-1. Marshall-Baker reviewed the proposed site plan, drainage flows, infiltration systems, best management practices, the oil/grit separator and retaining walls. Some roof and road water will flow into the pond and other areas will flow into treatment infiltrators.

The Agency asked for an estimate on the percentage of land developed, excluding wetlands and buffer areas. Fifteen percent of the site is undeveloped if recreation areas are considered undeveloped; 12% if recreation areas are considered developed.

Scott questioned the advantage of floating the walking path versus pilings. Marshall-Baker explained that the installation impact is minimized, preservatives are not needed on the material, and vegetation and animals are not affected.

Furlong asked for a review of the proposed road, connection to other developments, and use of each road. Marshall-Baker noted the property connection is recommended in the Plan of

Conservation and Development. The applicant believes Phase I residents will use the existing access with 50-75 units from Phase I and 212 units from Phase II using the Phase II road, but it depends on where the residents are going.

Staff noted that she still needs to review revised plans and non-regulated grading areas. She reviewed her concerns with the proposed grading and its impact on the regulated area. She has recommended a sediment removal structure to treat stormwater before it enters the infiltration beds. She wants to discuss the revised plans with Groton Utilities and refer them to the Department of Public Works. She also asked that the revised mitigation plan be submitted in writing.

Chairman Scott asked for public comments and there were none.

MOTION: To continue the public hearing to June 23, 2004.

Motion made by Sutphen, seconded by Williams, so voted unanimously.

III. PUBLIC COMMUNICATIONS – None

IV. APPROVAL OF THE MINUTES OF May 12, 2004

Staff distributed minutes from the May 26, 2004 meeting. This item was tabled to the next meeting.

V. NEW APPLICATIONS

1. Receipt of New Applications

- Prestige Park, Lot 1 and Lot 2, Flanders Road

Staff reviewed the history and location of the two lots. An application has been submitted for each lot. An office building is proposed on the northern lot and a new equipment storage and sales yard is proposed on the southern lot. A wetland is located to the rear and feeds Fort Hill Brook. Fill is proposed well outside the regulated area and the regulated activity involves drainage discharge. A 50-foot buffer has been provided. Two entrances are proposed on Flanders Road and the parking lot will accommodate truck circulation. Staff review has not yet been held. They will need to raise the site up and retaining walls are proposed. The Agency was concerned with heavy machinery leaking contaminants into wetlands and noted there may already be some leaching because of the fill material being used. The Agency will independently site walk the property.

VI. PENDING APPLICATIONS

1. Great Brook Subdivision, Gales Ferry Road and Daboll Road

The Agency began their discussion with the proposed swale near Gold Star Highway. It was noted that a swale is better than a pipe and it will accommodate 2-3 c.f.s. of stormwater.

The nearest development to vernal pool 3 is 410 feet from the ultimate clearing line associated with Lot 13 and 380 from its lot line. A brief discussion ensued on making conservation easement recommendations to the Planning Commission.

They discussed the possibility of stormwater creating channels when discharging from detention basin D. The Red Maple Swamp is flat, but it is steep from the basin to the swamp. Detention is 100 feet away, but it discharges 50 feet from the swamp. Staff reviewed elevations noting it changes 12 feet over 60 feet. To err on the side of safety, the Agency wants all activity around basin D 100 feet away. They also do not want any clearing within the 100-foot buffer area on Lots 16 and 17.

The Agency discussed limiting activity associated with the development of Lots 18 and 19 to outside 100 feet of the natural wetlands. They noted that the non-disturbed area would reduce the probability of owner-applied herbicides, pesticides and other pollutants impacting the wetlands. They discussed the testimony of the environmental experts.

The Agency preferred the alternative Road A layout, as it seems to have less wetland impact. They noted the road is farther away from wetlands, a house has less impact than a road, and there is more pervious material with a house than with a road. They discussed limiting activity within 100 feet of a natural wetlands and noted Lots 9, 18, 19, 42, 43, 45, 46, 47 48 and Lot 61 has both natural and manmade wetlands.

The Agency is not concerned with the filling of the low quality, manmade trenches that intercepted groundwater creating a wetland.

Furlong stated that Connecticut State Statutes surface water regulations state that a Class AA stream is not supposed to receive any treated sewage. She is concerned that pollutants from the leaching fields will flow into the brook. She knows their decision cannot be based on speculative impacts, but a homeowner's association is speculative and 35 of the 63 homes have minimum sized leaching fields. She has overflow concerns. Staff noted that the septic systems and leaching fields are sized for 4-bedroom homes and if the Ledge Light Health District finds the leaching fields insufficient, the developer would have to construct 3-bedroom homes. Furlong also noted that drinking water standards are nothing compared to protecting wetlands and watercourses as noted by Dr. Harvey Luce. She feels they should deny the application because it violates Class AA surface water regulations. Other Agency members felt that was speculative and would probably not be supported in the eyes of a court. Their mission is to regulate wetlands and watercourses, not water supplies. Furlong felt there was a strong probability that the development would pollute Great Brook. Staff read comments from the Ledge Light Health District from the file. Furlong stated that the correspondence simply stated that the soils could support septic systems and did not look at the overall location of the site. Dr. Luce had noted that the Agency should take no assurances that the numbers presented by the applicant are safe. Staff noted that additional testing would be required before a building

permit can be issued. The health code states a system can be no closer than 50 feet to a watercourse and there are zoning regulations that state a larger lot is required if a site has poor percolation tests. Dr. Luce had noted that .5 parts per million of nitrates will cause algae blooms in the wetlands. Nitrates will not move too far through wetland soils, but fertilizers will move off site. Discussion continued on a 150-foot buffer from wetlands and watercourses as long as they have the evidence to support a larger buffer. The Agency decided there was no evidence to deny the application, but Dr. Luce did provide evidence to support larger buffers. They asked staff to show 150-foot buffers for discussion purposes at the next meeting.

Discussion continued on Basin E and it discharging toward the brook. This basin will accommodate road runoff. The Agency wants to see a 100-foot buffer, which may affect Lots 53, 56, 57 and 63. Lot 17 may be lost if the basin is moved.

The erosion and sediment control plan concerns raised by Dr. Luce can be easily incorporated into the plan by changing notes.

The Agency questioned basins with level spreaders and staff noted that they are tricky to build and to get level. A rip-rap dissipater works to slow down water velocity. There is more retention with one large basin to additionally slow water down. There really is no difference between one large and two small basins. They are still working with the same amount of water and more trees would be loss with two basins.

The Agency questioned the need for a path in addition to roads and sidewalks. It was noted that the path is made of natural materials and seemed to follow the contour lines.

Discussion was tabled to the next meeting.

2. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive – public hearing continued to 6/23/04.

3. Neal Subdivision, 119 New London Road

Staff reviewed a plan showing the revised wetland boundary, but is still waiting for revised plans from staff review.

4. Yoo Property, 71 Cow Hill Road

Staff reviewed the location of the property. The owners used to remove sediment from Bindloss Brook by hand, but can no longer do the work. The application is to allow a third party to remove sand and sediment in the brook. Staff is waiting to hold staff review.

VII. NEW BUSINESS

1. Discussion of Department of Public Works Stormwater Management Plan

Staff and the Agency discussed the proposed five-year Stormwater Management Plan for town facilities and roads. It outlines minimum requirements and provides an implementation road map over the next 4½ years. It can be adjusted every January. The Agency was particularly interested in the evaluation of the existing system and upgrade to eliminate stormwater pollution.

2. Samokar Property, 101 Prospect Hill Road

Staff noted that the owner is looking for guidance in clearing out invasive brambles and brush within the 50-foot wetland buffer. The request is being brought to the Agency because staff is concerned that the entire buffer may be cleared if all the invasive species are removed. The Agency will independently site walk the property.

3. City of Groton Open Space Grant Application

Staff noted that City of Groton Utilities is negotiating to purchase 47.2 acres of the Porter Property, Route 117, using open space and watershed land acquisition grant funds and is looking for local support. She reviewed a map showing the property. The Agency strongly supported the land purchase, as it would further protect a sensitive wetland and watercourse system that feed the Ledyard reservoir.

4. Report of Chair - None

5. Report of Staff

Staff distributed information on the Simsbury court decision.

VIII. ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Respectfully submitted,

David Scott